

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Bail Appl..No. 4445 of 2007()

CRIME NO.157/07 OF THE SREEKRISHNAPURAM POLICE STATION

PETITIONER/ACCUSED

GOPALAKRISHNAN, S/O.MUSLI GUPTAN,
MANNATTIL HOUSE, THIRUNARAYANAPURAM,
PALAKKAD DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
SREEKRISHNAPURAM POLICE STATION - THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI - 31.

BY P.P. SRIJAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A. NO. 4445 OF 2007

Dated this the 24th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations, inter alia, under Secs.420 and 376 of the IPC. The petitioner is the Head Master of a school. The alleged victim is a Cook of the said school. The crux of the allegations is that the petitioner has been indulging in sexual relationship with the de facto complainant for the past about 10 years. It is alleged that such sexual intercourse was entered into on a promise that the petitioner would marry her. She allegedly became pregnant recently. The petitioner refused to marry her. It is then that she makes the complaint that there was commission of the offences of cheating and rape. A crime has been registered. Investigation is in progress.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said

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prayer and I am satisfied, in the facts and circumstances which have been broadly indicated above, that this is a fit case where the petitioner can be granted anticipatory bail. It is not necessary, in the circumstances indicated above, to advert to the facts in any greater detail.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 31/7/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 1/8/07 and 2/8/07. During this period, the petitioner can be interrogated in custody and the potency test can be got conducted. Thereafter, he shall appear before the Investigating Officer on all Sundays between 10 a.m. and 12 noon for a period of one month. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

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(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 31/7/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 31/7/07.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge

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